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Attorney's Docket No. 038779/271509

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Moon et al. Confirmation No.: 6451  
Appl No.: 10/720,662 Group Art Unit: 1648  
Filed: November 24, 2003 Examiner: Lucas, Zachariah  
For: PRE-S PROTEIN OF HEPATITIS B VIRUS (HBV) AS AN ADJUVANT AND  
A COMPONENT OF HBV VACCINE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action dated October 6, 2004. In that Office Action, the Examiner has required restriction between Group I, namely Claims 1-5 and 20-35, Group II, namely Claims 6-13; Group III, namely Claims 14-19; Group IV, namely Claim 36; Group V, namely Claims 37-41; and Group VI, namely Claims 42 and 43. The Examiner has also required restriction of the subtypes of HBV from which the pre-S protein or polynucleotide is to be drawn. If Group III was elected, the Examiner has also required restriction of the recited species of asparagine substitution between substitution of asparagines at position 15; substitution of asparagines at position 123; or substitution of asparagines at both positions 15 and 123. Still further, the Examiner has required restriction between the particular amino acids from the group recited in Claim 2.

Applicant hereby provisionally elects without traverse to prosecute the claims of Group III (Claims 14-19). Further, Applicant hereby provisionally elects without traverse to prosecute the subtype of HBV. Further, Applicant hereby provisionally elects without traverse to prosecute the species of asparagines substitution directed to substitution of asparagines at both positions 15 and 123. Further, Applicant hereby provisionally elects without traverse to prosecute claims directed to histidine as the elected amino acid. Each of the elected Claims 14-19 may be viewed as reading on each of the elected species. Applicant expressly reserves the right to file divisional applications or take such other appropriate measures deemed necessary to protect the inventions in the remaining claims.

Appl No.: 10/720,662  
Amdt. dated 11/04/2004  
Reply to Restriction Requirement of October 6, 2004

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for ~~net~~ addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for ~~net~~ addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

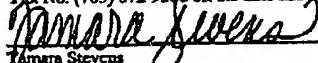


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11-4-2004

Date